

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 609 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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ZALA JAGDISSINH JAYWANTSINH

Versus

GUJARAT STATE ROAD TRANSPORT AUTHORITY & ORS.

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Appearance:

MR DJ BHATT for Petitioner  
Ms Ami Yagnik, A.G.P. for the respondents.

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CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 22/01/97

ORAL JUDGEMENT

Rule. Mr.Ami Yagnik, learned A.G.P.waives service of notice of rule on behalf of the respondents.

At the request of learned Advocates appearing for the parties, the petition is heard today.

By means of filing this petition under Article

226 of the Constitution, the petitioner has prayed to issue an appropriate writ or order directing the respondents-authorities to register Matador vehicle bearing registration no. GJ-4-T-2801 belonging to the petitioner as maxi cab and to collect Rs.3000/- per year by way of tax from the petitioner. From the averments made in the petition, it is evident that the petitioner had made representation dated April 15,1996 to the respondent no.2 for registering his vehicle as maxi cab under the provisions of the Motor Vehicles Act,1988. The said representation is produced by the petitioner at Annexure-B to the petition. From the communication dated April 26,1996 addressed by the Regional Transport Officer, Bhavnagar to respondent no.2, it is evident that the Regional Tranport Authority has requested the respondent no.2 to take necessary decision in the matter. The communication addressed by Regional Transport Officer, Bhavnagar to respondent no.2 is produced by the petitioner at Annexure-C to the petition. As the representation made by the petitioner is pending for consideration before the respondent no.2, it would not be proper to grant the reliefs claimed in the petition at this stage. However, I am of the opinion that interest of justice would be served if the respondents are directed to consider the representation dated April 15,1996 within stipulated time.

For the foregoing reasons, the petition partly succeeds. The respondent no.2 is directed to decide representation dated April 15,1996 on merits and in accordance with law, as early as possible and preferable on or before March 17,1997. Rule is made absolute to the extent indicated hereinabove,with no order as to costs.

Office is directed to send writ to the respondent no.2 immediately. It would also be open to the petitioner to produce copy of order before the respondent no.2 for necessary compliance.

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